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Using the Zoning Code to Solve the South End Density Problem

During the past two years there has been a surge of condominium development in the South End that has resulted in the conversion of one, two or three resident buildings into buildings containing five or six one bedroom "floor through" condominiums. The South End housing stock, one of Boston's most uniform and the nation's largest remaining inventory of mid-Victorian urban housing, was designed for single resident occupancy. While it can accomodate greater density than this, it is unsuited for 5 to 6 resident occupancy which not only overloads the living space, but also the utilities, parking, garbage, and other support systems in the South End. The result of this conversion binge has been -

- BRA
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- o Increased population density as more units are put into the same space.
 - o ✓ Demand for electricity in the South End grew at twice that of the entire Boston Edison system in 1985 due to the density of new condominiums and their use of electric heating, which have contributed significantly to the 33 blackouts in the South End since 1983.
 - o Increased problems with trash, as the increased number of residents leave their trash at alley heads or on the street due to lack of adequate trash storage capacity at their resident buildings.
 - o Increased parking problems as more cars come with the increased number of affluent residents.
 - o Increased housing prices, as developers, who can make the greatest return on their investment if they can sell all single bedroom units at \$200 per square foot, bid up 5 and 6 story buildings to the \$450,000 range.
 - o Increased taxes, as these high prices drive up market valuations for all property.
 - o Increased evictions, as apartment space is converted to condominium usage to take advantage of these high prices.
 - o A rapid decline in the amount of multi-bedroom space available, with a resultant change in the diversity of the neighborhood.
 - o Because many of these new, small units are held by absentee speculation, an increase in transient tenancy, with a resulting decline in resident participation in and support for neighborhood-building activities.

It can be argued that market forces will correct these tendencies toward an increasingly larger number of smaller living units just as they reversed the rooming house trend in the 1960's. If we wait another decade for this to happen, however, the South End will have been substantially and perhaps irreparably transformed. At best, one of Boston's most active, well organized, economically and socially diverse, yet very viable neighborhoods will become an area of increasing extremes between rich and poor.

At the hearings before the Zoning Board of Appeals this summer concerning the conversion of 202 West Brookline St. from two to six unit occupancy, the Board asked the PBNA for guidelines for the Board of Appeals to use to limit escalating density in the South End.

What is a reasonable test for density measurement? In its South End Urban Renewal Plan of the 1960's, the BRA declared that there should not be more than 40 living units per acre in South End Urban Renewal Districts. In a typical South End block with 1550 sq. ft. lots, this would mean that, because there are 28 lots per acre, each lot should contain a building with an average of only 1.4 living units. To accommodate Boston's housing needs in the 1980's we recommend a doubling of the BRA standard: there should be no more than 3 living units per building. Under this standard, the average 50 building block would contain up to 150 living units, which would relate reasonably well to the block's 60 car street parking capacity, and its street and alley trash storage capabilities.

How do we hold down condominium development to a 3 unit limit per building? The Zoning Code, if amended, might be helpful.

At present, however, the Zoning Code is not very useful. Although it could limit unit density through its off-street parking and open space requirements (which require off-street parking for .6 cars and 100 sq. ft. of open space per unit in H3 districts which make up most of the South End), when a renovation to increase the number of dwelling units is undertaken only one half these standards needs to be met and then only for those units added since 1964. Thus, to go from 2 unit to 5 unit occupancy would require 1.8 off-street parking spaces, reduced to .9 by the 50% rule and, by virtue of the rounding provisions of the code, further reduced to zero. 7.5' x 7.5' decks will meet the open space requirement under these rules. (Changing from an H3 district to an H2 district would not help much here as the .7 off-street parking space requirement would require only 1 parking space and the decks would have to be only 7.5' x 10')

We must therefore face the problem head-on and seek an amendment to the Zoning Code. We might accomplish this by seeking an amendment to the provisions pertaining to Conversion of Dwelling Structures (Use No. 8, Sec. 8-7). Such an amendment might provide that where a conversion seeks to increase the number of dwelling units in a 3 to 5 story building, after conversion no more than one unit may contain less than 1000 square feet of interior useable living space (the typical floor through is 650-900 square feet) and in a 6-7 story building no more than 2 such units. This would mean that a 5 story building could be converted to increase the number of living units only if, after the conversion, the building does not contain more than 1 floor-through and, in the case of a 6 story building, 2 floor-throughs.

Because this restriction might not be useful to those parts of the city which do not have as homogeneous a housing stock as does the South End, it might apply only to a special district, such as a Restricted Roof Structure District (of which the South End, St. Botolph, Bay Village and North End are the only four).

In the alternative, a Density Limitation Overlay District might be created as a new Special Purpose Overlay District under Sec. 3-1A of the Zoning Code. The restriction would then apply only to a neighborhood seeking designation as such a special district. The establishment of such a Special District does not mean that there can be no exceptions to the density limitations. Any developer is free to seek a variance, which, if supported by abutters and the community where the building is located, will be approved by the Appeal Board under traditional variance procedures. This gives the community affected a strong voice in exceptions.

Are such limitations unlawful restraints on property rights? We believe that they comply with the enabling legislation authorizing the city to adopt zoning regulations, which states: "A zoning regulation shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to prevent undue concentration of population..."

What are the economic consequences of these restrictions? By restraining the number of floor-through units that could be put into buildings in the South End, a dampening of prices should immediately follow, because the market will not pay \$200 per square foot for 1500 sq. ft. duplexes and 2250 sq. ft. triplexes. This means that, although the price of floor-throughs will stabilize and perhaps increase, if they fall into short supply, the total post-renovation value per square foot of a building should decline and with it will decline pre-renovation prices which developers will be willing to pay for a building. This will tend to dampen the pace of development as well as the price of housing in the South End and with it the rate of evictions and the rate at which both rental and owner occupied affordable housing is disappearing.

Recommendation: The PBNA Zoning Committee recommends that the PBNA support an amendment to the Zoning Code to permit creation of a Density Limitation Overlay District in substantially the form attached hereto and that the South End be designated by the BRA, the Zoning Commission or any other appropriate authority as a Density Limitation Overlay District.

Draft Amendment to Sec. 3-1A. Special Purpose Overlay Districts,
Boston Zoning Code

Density Limitation Overlay District. All or part of a subdistrict that is characterized by groups of residential buildings with similar heights within such groups may be designated as a density limitation district with respect to use Item No. 8, Sec. 8-7, the regulations for which are set forth in use Item No. 8, Sec. 8-7.

Draft Amendment to Sec. 8-7, Use No. 8, Boston Zoning Code

<u>District</u>							
<u>S</u>	<u>R</u>	<u>H</u>	<u>LB</u>	<u>M</u>	<u>I</u>	<u>W</u>	

Conversion of Dwelling Structures

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+ 8. Any dwelling converted for more families [in separate dwelling units] F A* A* A* A* CT F Ct
Ct Ct Ct Ct

* Where structures after conversion will conform to this code.

t Provided that after conversion the lot area per dwelling unit, the open space and the off street parking each meet not less than one half the requirements of this code [,] that after conversion any non conformity as to floor area ratio and yard dimension is no greater than prior to conversion [and that in the case of any district that is a Density Limitation Overlay District the number of dwelling units with less than 1000 sqare feet of interior useable living space in any building be limited as follows:

Number of Stories Containing
Dwelling Units in Building

Number of Dwelling Units in
Such Building with less than
1000 Square Feet of Interior
Useable Living Space Permitted

3-5

1

6-7

2

8 and over

No limit]

(Note: Sec. 2-1 (19) defines the word "family" to mean: "one or more persons occupying a dwelling unit as a single, non-profit housekeeping unit...")

GROWING PAINS

South End is on an electricity binge

By Philip Bennett
Globe Staff

Growing numbers of condominiums and modernized apartments in the South End are overwhelming the neighborhood's electrical system, causing power failures that have plagued the area during the last three winters, Boston Edison officials said.

The officials said excessive demand for electricity has caused three outages so far this month. They estimated that as many as half the 33 blackouts to hit the South End since November 1983 were due to the failure of overloaded transformers and cables.

"The system is being strained beyond its limits right now," said Peter

Bachman, a spokesman for Boston Edison. "The root cause is growth."

While growth has been going on for a number of years in the South End, officials say the high concentration of new units on streets off Columbus Avenue has created an unexpected increase in demand for electricity. Last week, an overloaded transformer on Columbus Avenue between Greenwich Park and Concord Square failed, leaving hundreds of residents without light and heat for two days.

Officials said demand for electricity in the South End grew last year at a rate twice that of the entire Boston Edison system. Currently, the utility reports that there are more than 100

pending orders for new electric service in the neighborhood.

Officials said the exceptional drain on the system is due not only to units being constructed or rehabilitated. They said the type of apartments and condominiums proliferating in the neighborhood and the density of new units have made them especially taxing.

"The primary problem is electric heating and hot water, which a lot of the new places have," said another Boston Edison spokesman, Michael Monahan. "It's the cheapest up front for a developer to install and it frees up the basement for an additional unit."

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South End on an electricity binge

■ SOUTH END

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"Then, many of the people moving into these new places bring their home computers, their microwaves, their stereos, their appliances," he said. "Alone, these things don't mean much. Collectively, you're talking a big impact."

Boston Edison officials said studies have shown that after rehabilitation, an average apartment or condominium in the South End has a maximum electrical demand 10 times greater than before rehabilitation. He said demand from electric heating systems was responsible for causing consistent outages during the coldest weather.

"One or two years of these outages is OK; you don't know if it's a trend or not," Bachman said. "But once you've hit a third year you know you have a problem. I don't think anybody really had a grip on how much growth there was going to be and how much it would affect us. It has become a real priority."

Boston Edison officials said they have begun a project to improve the electricity network in the South End and hope it will be completed by next winter. The project includes replacing some of the 321 transformers in the neighborhood and adding additional ones. Work crews will also inspect secondary lines delivering power

from transformers to homes and businesses.

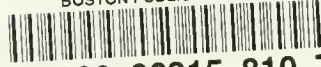
Monahan he did not know how much the project would cost.

As part of the project, work crews are planning to shut off power today at 8:30 a.m. to 200 customers on sections of Massachusetts Avenue, Greenwich Park and Concord Square, and Tremont Street. The crews are scheduled to install a new transformer system on Greenwich Park to avoid the type of overload that caused last week's outage.

Electric service was scheduled to resume by 6:30 p.m. today.

"This is pretty unusual," Bachman said of the scheduled outage. "But we're not just trying to fix the system. We're trying to improve it."

BOSTON PUBLIC LIBRARY



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Quincy votes to cut growth

New apartments in some areas must be larger

By Diane Alters
Globe Staff

QUINCY - The City Council voted 8-1 last night to approve zoning changes designed to slow growth by limiting the building of new apartments.

The measure, an amended version of a proposal introduced by Mayor Francis X. McCauley and Council President James A. Sheets, raises from 2,000 square feet to 2,500 square feet the minimum size for new apartments in certain areas of the city. It also requires that developers provide 1.75 parking spaces per unit instead of 1.5 spaces.

The McCauley-Sheets proposal originally called for 3,000 square feet in the affected areas of the city - those zoned Residence B, which include two- and three-family houses.

The 2,500 square-foot limit was a compromise amendment suggested by the Quincy Builders and Businessmen's Association and introduced by Councilor Joanne Condon.

That amendment also knocked out a McCauley-Sheets proposal to change from 1,000 square feet to 1,250 square feet the minimum apartment size in areas zoned Residence C, which include large buildings.

"This is the most important zoning change that has been before the city council in 12 years," said Sheets before the vote. That is the length of time he has served on the council.

He said homeowners who are "looking to sell to make money" in areas zoned Residence B would oppose the measure. "But if you want to continue to live there . . . you're going to support the zoning change," he said.

Sheets described a family who had moved out of the area he represents - Ward 4 in Southwest Quincy, which includes much land zoned Residence B - because an apartment house was built near their home.

Sheets said he favored the changes even though the final measure watered down his original proposal. "We want to preserve the integrity and character of the residential communities," Sheets said.

The lone vote against the measure was cast by Councilor Stephen McGrath, who represents Ward 5 in Wollaston. McGrath

said he voted no because the measure would do little to control growth and remedy Quincy's sewage and parking problems. "The impact is minimal," he said. "We're almost misleading people."

Condon said she felt the measure addressed small lot owners who were concerned that they would not be allowed to construct small apartment houses on their land.

The Quincy Builders and Businessmen's Association, which succeeded in keeping the 1,000-square-foot minimum in areas zoned Residence C, argued in printed literature that the McCauley-Sheets proposal would limit the owner of a 10,000-square-foot lot to building six apartment units rather than 10 allowed under present zoning. The leaflet argued that such a limit would be "definitely a devaluation of your home and property."

